

Criminal Misc. Application No. 320 of 2002

Ashwani Mittal		Petitioner
	Versus	
State of Uttaranchal and others		Respondents.
		

Hon'ble P.C. Verma, J.

This is an application under Section 482 of the Code of Criminal Procedure, raising a grievance that the accused/applicant when moved an application, his three counsel were beaten by the other members of the Bar and they were not permitted to enter in the court room. Therefore, the bail application has been dismissed by the C.J.M. concerned at first time on the ground of non-prosecution and at second time on the next day on the ground that the same incident again occurred and counsel for the petitioner were not permitted to appear in the court, the bail application was decided.

The learned counsel for the petitioner submits that the petitioner cannot move his bail application before the Sessions Judge as he is not getting Advocate there and some Advocates who are ready to appear, they were not permitted to appear in this case in the Court. The Bar Association also passed oral resolution not to allow to appear and to continue to agitate.

Such practice by the members of the Bar is highly deprecated. Accused has a right to be heard. Without making any further observation in the facts and circumstances of the case, it is provided that let the case be transferred for the purpose of bail to the court of Sessions Judge, Dehradun and Sessions Judge, Dehradun shall himself decide the bail application of the petitioner in case crime No. 419 of 2002, under Section 302,307,147,148,149,120-B, 34 I.P.C. Police Station-Jwalapur, District Hardwar, if moved by tomorrow within period of three days, to which the learned Additional Government Advocate has no objection.

The petition is disposed of accordingly. Certified copy of the order be issued today on payment of necessary charges.

(P.C. Verma, J.)

28.10.2002
P. Singh